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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,986	10/23/2000	Bernd Kiessling	P0H211	8912

7590
Horst M Kasper
13 Forest Drive
Warren, NJ 07059

10/24/2002

EXAMINER

PUNNOOSE, ROY M

ART UNIT	PAPER NUMBER
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2877

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/673,986

Applicant(s)

KIESSLING ET AL.

Examiner

Roy M. Punnoose

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendments

1. Applicant's amendments filed June 28, 2002 to correct the errors detailed in the previous office action have been fully considered but they are not complete and continues to have several serious errors. Therefore this action is made FINAL.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description, claims and abstract: reference numbers 1.1 and 1.2 are not shown in the drawing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 1 is objected to because of the following informalities: "of" is missing between the words "angle" and "incidence" on line 6. Appropriate correction is required.

4. Claim 1 is objected to because of the following informalities: the word "which" on line 7 is not appropriate and makes the limitations of claimed subject matter unclear. Appropriate correction is required.

5. Claim 1 is objected to because of the following informalities: the limitation "...is simultaneously also initially collimated ..." on lines 10-11 is confusing. A better format would be "...is also simultaneously collimated initially ...". Appropriate correction is required.

Art Unit: 2877

6. Claim 2 is objected to because of the following informalities: the word "following" on the last line is inappropriate. The Examiner suggests that the said word be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 recites the limitation "the exit direction" in line 13. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

9. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "furthermore reflexes" on lines 14-15 raises the question if there are more than two reflexes as stated on line 7, or if they are different from the said two reflexes on line 7, and which ones and which distances are being measured by the sensors?

10. Claim 1 recites the limitation "the distances" in line 16. There is insufficient antecedent basis for this limitation in the claim. Is the applicant referring to the distance between the two reflexes on the sensor? Appropriate correction is required.

11. Claim 2 recites the limitation "the exit direction" in line 16. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2877

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spengler et al (US 5,636,027) in view of Takamasa (JP 58022902) and further in view of what is commonly known in the art.

Spengler et al (Spengler hereinafter) discloses a method and apparatus comprising all the claim limitations (see col.3, line 36- col.4, line 10, Figure 1) except the use of lasers as a light sources instead of applicants use of "light surfaces", and the use of lenses for shaping the light beams, for the purpose of making contactless measurement of the thickness of an object made of transparent material.

Takamasa discloses the use of lenses 3, 7 (see Figure) for shaping the light beams, for the purpose of making contactless measurement of the thickness of an object made of transparent material. Also, the use of various types of light sources for the purpose of making contactless measurement of the thickness of an object made of transparent material is commonly known in the art.

In view of Takamasa' teachings and what is commonly known in the art, it would have been obvious to one of ordinary skills in the art at the time the invention was made to incorporate refractive elements such as lenses for beam shaping and provide alternate/substitute light sources into Spengler's apparatus/method for making contactless measurement of the thickness of an object made of transparent material. Accordingly, such incorporation/substitution would have constituted an alternative means/obvious engineering expedience for one of ordinary skill in the art.

Art Unit: 2877

14. **Applicant's amendments filed June 28, 2002 to correct the errors detailed in the previous office action have been fully considered but they are not complete and continues to have several serious errors.**

Applicant was made aware of at least several of these errors during an interview with Attorney Horst Kasper (Reg. No. 28,559) on 20 August, 2002, during which Attorney Kasper agreed to make corrections/amendments to claims to overcome any noted deficiencies. However, no corrections/amendments have been received.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner Roy M. Punnoose** whose telephone number is **703-306-9145**. The examiner can normally be reached on 9:00 AM - 5:30 PM.

Art Unit: 2877


If attempts to reach the examiner by telephone are unsuccessful, the applicant can reach his ***Supervisory Patent Examiner, Frank G. Font***, at (703) 308-4881.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a **general nature** or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-0530.

Roy M. Punnoose
Patent Examiner
Art Unit 2877
October 21, 2002





Mr. Frank G. Font
Supervisory Patent Examiner